

### **REMARKS**

Claims 1-17, 19-25, 27-30, and 32-33 are pending.

Claims 18, 26, and 31 have been cancelled.

Claims 34 and 35 have been added.

In the Office Action mailed July 23, 2009, claims 15, 22, 25, 30 and 32-33 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 20010054131 (Alvarez); claims 1, 6-12, 16-21, 23 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Alvarez in view of U.S. Patent No. 5,813,009 (Johnson); claims 2-5, 13-14, 24 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Alvarez in view of Johnson and further in view of U.S. Patent Publication No. 20020152194 (Sathyanarayan); and claims 29 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Alvarez in view of Sathyanarayan.

### **REJECTION UNDER 35 U.S.C. § 102 OVER ALVAREZ**

Independent claim 15 has been amended to recite that the computer readable program code includes a first routine for accessing the data in response to a first type of request for access to the data in an archival format, and a second routine for accessing the data in response to a second type of request for access to the data in a file system format, where the data stored on a computer usable medium is in the archival format, and where the routine is configured to reformat accessed data in the archival format to the file system format. Support for the amendments can be found at least in the following passages of the specification: page 7, line 13 – page 8, line 8.

Similar support exists for amendments of independent claims 22 and 25.

It is respectfully submitted that Alvarez fails to disclose computer readable program code including first and second routines, where the first routine is for accessing data in response to a first type of request for access to the data in an archival format and a second routine for accessing the data in response to a second type of request for access to the data in a file system format, where the data stored on the computer usable medium is in the archival format.

Alvarez describes a “prior art” computer system architecture that uses a software compression application that stores data on a hard disk in compressed format. Alvarez, ¶ [0136]. If the data read from the hard disk is stored in compressed format, then data is decompressed by software executing on a CPU prior to being transferred to system memory. *Id.* However, as explained by Alvarez, use of software controlled compression and decompression algorithms by a CPU cannot be applied to real time applications that require high data rates, and places additional loads on the CPU and CPU cache subsystems. *Id.*, ¶ [0010].

In contrast, Alvarez proposes use of a memory F/X technology that can be incorporated into a system memory controller to perform compression and decompression. *Id.*, ¶¶ [0146], [0152], [0154]. Alvarez also proposes incorporating the memory F/X technology into the North Bridge (*id.*, ¶ [0158]), into the CPU (*id.*, ¶ [0159]), into a memory module (*id.*, ¶ [0160]), or into a network interface device or card (*id.*, ¶ [0164]).

However, using the compression/decompression engine of the memory F/X technology of Alvarez (or using the compression/decompression software routines of the “prior art” described in Alvarez) have nothing to do with a computer readable program code that includes a first routine for accessing data in response to a first type of request for access to data in archival format, and a second routine for accessing the data in response to a second type of request for access to the data in a file system format, where the data stored on the computer usable medium is according to the archival format, and where the second routine is configured to reformat accessed data in the archival format to the file system format.

Thus, claim 15 is not anticipated by Alvarez.

Independent claims 22 and 25 are similarly not anticipated by Alvarez.

#### REJECTION UNDER 35 U.S.C. § 103 OVER ALVAREZ AND JOHNSON

Independent claim 1 has been amended to recite that the requested data is presented by the second routine in the archival format, and the requested data is presented by the first routine in a file system format. Support for the amendment of claim 1 can be found in similar passages as those referenced above in connection with claim 15.

It is respectfully submitted that claim 1 is non-obvious over Alvarez and Johnson.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as held by the U.S. Supreme Court, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Neither Alvarez nor Johnson discloses or hints at loading a program that has first and second routines for responding to respective first and second request types, where the requested data is presented by the second routine in the archival format, and the requested data is presented by the first routine in a file system format, and where the data is stored on the data storage medium in accordance with the archival format.

As discussed above in connection with claim 15, Alvarez describes a compression/decompression engine for compressing or decompressing data. There is no hint that the compression/decompression engine of Alvarez has a first program routine and a second program routine that present requested data in a file system format and in the archival format, respectively, for data that is stored in accordance with the archival format.

Johnson was cited by the Office Action as disclosing a file directory or file structures of files stored in a system. 07/23/2009 Office Action at 7. Column 8 of Alvarez, cited by the Office Action, refers to incoming information that can have various formats, including an EDI data stream format, formatted electronic information, unformatted electronic information, and hard copy information. Johnson, 8:1-37. A passage in column 11 of Johnson cited by the Office Action refers to a filter verifying that a destination information is clear for digitized hard copy information, where destination was indicated as being a file structure or a file index information. *Id.*, 11:22-23. A passage in column 14 of Johnson cited by the Office Action refers to ensuring that documents or files have been properly captured and have the appropriate retention information attached. *Id.*, 14:9-14. A passage in column 15 cited by the Office Action

refers to a records manager performing a quality assurance review to check the appropriateness of a record for archival and for determining a recording media and volume for storage. *Id.*, 15:30-35. A passage in column 16 of Johnson cited by the Office Action refers to managing records maintained on multiple media types in multiple physical and logical locations. *Id.*, 16:16-22.

However, Johnson does not provide any hint of loading a program having first and second routines for responding to respective first and second request types of data on the data storage medium that is stored in accordance with an archival format, and presenting requested data by the first routine in a file system format and by the second routine in the archival format. Therefore, even if Alvarez and Johnson could be hypothetically combined, the hypothetical combination of the references would not have led to the claimed subject matter. Moreover, in view of the distinctions between the claimed subject matter and the teachings of Alvarez and Johnson, it is respectfully submitted that a person of ordinary skill in the art would not have been prompted to combine the teachings of Alvarez and Johnson to achieve the claimed subject matter.

Therefore, claim 1 is non-obvious over Alvarez and Johnson.

## CONCLUSION

Dependent claims, including newly added dependent claims 34-35, are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, the obviousness rejections of dependent claims have been overcome.

In view of the foregoing, allowance of all claims is respectfully requested.

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The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10006371-1).

Respectfully submitted,

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